

REMARKS

Summary of the Amendment

Upon entry of the present Amendment, Claims 11-17 and 21 will have been amended, Claims 10, 18-20, and 22 will have been cancelled, and Claims 23 and 24 will have been added. Accordingly, Claims 1-9, 11-17, 21, 23, and 24 remain pending in the present application. By the present Amendment and Remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Summary of the Office Action

In the subject Office Action, Claims 10-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shiv et al (US 6,611,153).

Traversal of Rejection under 35 U.S.C. § 102(b)

Applicant respectfully traverses the rejection of Claims 10-22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,611,153 to Shiv et al. (hereinafter "SHIV").

The Examiner resubmits that SHIV discloses all the elements of the claims. In addition, the Examiner submits, "Regarding the limitation of the first and second flexural modes being simultaneously formed to generate combined vibration, it should be noted that at some point the first and second flexural modes have to be simultaneously generated in order to generate the desired vibration used to drive the driven element. Therefore, the limitation is considered inherent in the disclosure of Shiv."

A Review of SHIV

Fig. 1A shows a piezoelectric motor (20) having four electrodes (31-34) on a top surface and another electrode (36) on a bottom surface. Electrodes 31 and 33 are electrically connected together and electrodes 32 and 34 are connected together. To produce a flexural vibration, an alternating voltage with the same phase is applied to one

of electrode pairs (either 31 and 33 or 32 and 34). To produce another flexural vibration, an alternating voltage with an opposite phase is applied one of the electrode pairs.

Claims 10, 18-20, and 22

Applicant has cancelled Claims 10, 18-20, and 22. As such, Applicant submits that the rejection to these claims is now moot.

Independent Claim 14

Applicant's independent Claim 14 as amended recites, *inter alia*, ... a signal generation circuit configured to apply two driving voltages with different phases to the two electrodes, so that the first flexural vibration mode and the second flexural vibration mode are simultaneously formed to generate combined vibration and the combined vibration drives said driven element.

As previously argued, SHIV does not teach the aforementioned features. The Examiner submits that SHIV inherently discloses this limitation. However, if the Examiner relies on the theory of inherency, the Examiner must provide a factual basis and/or technical reasoning to reasonably support the determination that the limitation necessarily flows from the teachings of SHIV. Applicant submits that the Examiner has not adequately provided such factual basis or technical reasoning.

Also, SHIV does not teach applying two driving voltages with different phases to the two electrodes. Rather, SHIV discloses that one of the two pairs of electrodes (i.e., 31 and 33 or 32 and 34) is selected and then a single alternative voltage is applied to the selected pair of electrodes. The circuit structure disclosed in SHIV does not permit applying two alternating voltages with different phases to the selected electrode pair and to simultaneously generate the two vibration modes.

For the foregoing reasons, because SHIV fails to disclose the above-noted features of the present invention, Applicant submits that SHIV fails to disclose each and every feature of the present invention as recited in Independent Claim 14.

Accordingly, Applicant submits that the Examiner has failed to provide an adequate evidentiary basis to support rejection under 35 U.S.C. § 102(b) and that the rejection of Independent Claim 14 is improper and should be withdrawn.

Dependent Claims 11-13 and 15-17

Applicant further submits that dependent Claims 11-13 and 15-17 are allowable at least for the reason that these claims depend from allowable independent Claim 14 and because these claims recite additional features that further define the present invention.

Accordingly, Applicant submits that the Examiner has failed to provide an adequate evidentiary basis to support rejection under 35 U.S.C. § 102(b), and that the rejection of dependent Claims 11-13 and 15-17 is improper and should be withdrawn.

Claims 21, 23 and 24

Since amended Claims 21, 23 and 24 include the same aforementioned features of Claim 14, Applicant further submits that Claims 21, 23 and 24 are allowable because SHIV fails to disclose the above-noted features of the present invention and that SHIV fails to disclose each and every feature of the present invention as recited in Claims 21, 23 and 24. Further, new Claims 23 and 24 find support in the description and drawings, and no new matter has been added.

Accordingly, Applicant submits that the Examiner has failed to provide an adequate evidentiary basis to support rejection under 35 U.S.C. § 102(b) and that the rejection of Claim 21 is improper and should be withdrawn.

Application is Allowable

Applicant respectfully submits that each and every pending claim on the present invention meets the requirements for patentability and respectfully requests the Examiner to indicate allowance of such claims.

Conclusion

In view of the foregoing, it is submitted that none of the references of record anticipate or render obvious the Applicant's invention as recited in Claims 11-17, 21, 23,

and 24. The applied reference of record has been discussed and distinguished, while the significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account No. 502456.

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Respectfully submitted,



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